



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: Commissioner of Patents and Trademarks  
Washington, D.C. 20231

09/183,543

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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6/07/99

12

DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

David Fitzgerald (PTO)

Anne Collins (atty.)

Maggie Kanter (licensee's atty.)

Date of interview: **17 June 1999** Type: ☒ Telephone/fax ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative)

Exhibit shown or demonstration conducted: ☐ Yes ☒ No Attachment(s): ☐ Yes ☒ No

If yes for either, brief description:

Agreement ☐ was reached with respect to some or all of the claims in question ☐ was not reached. N/A

Claims discussed: — Identification of prior art discussed:

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The examiner discussed the reasons for allowance which he proposed to write with applicant's representatives. They were concerned by reference to the "prior art" since no art rejections had been written in this application. The examiner explained that as the PTO employs the term, the "prior art" embraces the entire universe of available evidence which qualifies under any applicable section of 35 U.S.C. § 102; it is not limited to only cited references or references applied in a rejection. See 37 C.F.R. § 1.104(a)(1) and M.P.E.P. Chapter 900 generally, e.g., § 904.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

[X] 1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 enumerated in M.P.E.P. § 713.04). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ 2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections, and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

DAVID L. FITZGERALD • Primary Examiner • Art Unit 1646